

## 42 U.S.C. §1983 – UNLAWFUL DETENTION

### **Manuel v. City of Joliet, --- U.S. --- (2017)** **Decided March 21, 2017**

**FACTS:** On March 18, 2011, Manuel was a passenger in his brother's vehicle when it was stopped for a minor traffic offense in Joliet, Illinois. The officer smelled marijuana in the vehicle and pulled Manuel from the car. He allegedly pushed Manuel to the ground, handcuffed him, punched and kicked him. A bottle of pills was pulled from his pocket and field tested, but the test came back negative for illegal substances. (The pill bottle indicated it was for vitamins.) However, the arresting officer claimed, in his report, that his "training and experience" indicated that the pills were Ecstasy. The pills were tested a second time, and still indicated negative for illegal substances. The fabrication was continued before the judge and the grand jury, which returned an indictment. Later official testing, however, confirmed the pills contained nothing illegal, but it took until May for the charges to be dismissed and for Manuel to be released. He spent 48 days in custody, missing work, and was forced to drop college classes for which he'd already paid.

Manuel filed suit against the City of Joliet and named officers, alleged malicious prosecution and other claims. Most of his claims were time barred, as they fell outside the two year statute of limitations. The malicious prosecution case, which escaped being time-barred as it did not accrue until the case was dismissed, was barred under Illinois case law, Newsome v. McCabe.<sup>1</sup> Manuel appealed the dismissal, arguing that the Illinois case law did not apply in his situation, as the police misrepresented evidence in his case, citing Johnson v. Saville.<sup>2</sup> The lower court agreed that "once detention by reason of arrest turns into detention by reason of arraignment ... the Fourth Amendment falls out of the picture and the detainee's claim that the detention is improper becomes a claim of malicious prosecution violative of due process." Since Illinois had a remedy for malicious prosecution under Newsome, the District Court dismissed Manuel's federal claim. The Seventh Circuit affirmed the dismissal of his claim for unlawful detention noting that "[o]nce a person is detained pursuant to legal process," "the Fourth Amendment falls out of the picture and the detainee's claim that the detention is improper becomes [one of] due process."<sup>3</sup> And again: "When, after the arrest[,] a person is not let go when he should be, the Fourth Amendment gives way to the due process clause as a basis for challenging his detention." In essence, the appellate court ruled that he had based his claim on the wrong part of the U.S. Constitution.

Manuel sought certiorari and the U.S. Supreme Court granted review.

**ISSUE:** Does the Fourth Amendment or the Fourteenth Amendment control in a claim of unlawful pretrial detention?

**HOLDING:** The Fourth Amendment

**DISCUSSION:** The Court noted it had held in Gerstein v. Pugh<sup>4</sup> that a "claim challenging pretrial detention fell within the scope of the Fourth Amendment." In Gerstein, however, the claimant had been held based solely on a prosecutorial decision, not that of a judge or grand jury. In a later case, Albright v. Oliver,<sup>5</sup> the plaintiff did not raise a Fourth Amendment claim, relying instead on the Fourteenth

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<sup>1</sup> 256 F.3d 747 (7<sup>th</sup> Cir. 2001).

<sup>2</sup> 575 F.3d 656 (7<sup>th</sup> Cir. 2009).

<sup>3</sup> Llovett v. Chicago, 761 F. 3d 759 (7<sup>th</sup> Cir. 2014).

<sup>4</sup> 420 U. S. 103 (1975),

<sup>5</sup> 510 U.S. 266 (1994).

Amendment, but the Court noted that “[t]he Framers” ... “considered the matter of pretrial deprivations of liberty and drafted the Fourth Amendment to address it.”

As such, the Court agreed, “pretrial detention can violate the Fourth Amendment not only when it precedes, but also when it follows, the start of legal process in a criminal case. The Fourth Amendment prohibits government officials from detaining a person in the absence of probable cause.”

Further:

That can happen when the police hold someone without any reason before the formal onset of a criminal proceeding. But it also can occur when legal process itself goes wrong—when, for example, a judge’s probable-cause determination is predicated solely on a police officer’s false statements. Then, too, a person is confined without constitutionally adequate justification. Legal process has gone forward, but it has done nothing to satisfy the Fourth Amendment’s probable-cause requirement. And for that reason, it cannot extinguish the detainee’s Fourth Amendment claim— or somehow, as the Seventh Circuit has held, convert that claim into one founded on the Due Process Clause. If the complaint is that a form of legal process resulted in pretrial detention unsupported by probable cause, then the right allegedly infringed lies in the Fourth Amendment.

In this case, based solely on the false information that the pills were illegal substances, the judge’s holding “lacked any proper basis.”

Or put just a bit differently: Legal process did not expunge Manuel’s Fourth Amendment claim because the process he received failed to establish what that Amendment makes essential for pretrial detention—probable cause to believe he committed a crime.

However, the Court agreed, this addresses only the first issue in a §1983 case, to identify the specific constitutional right allegedly violated. The Court went on to discuss the only issue in the case, the proper date for his claim of unlawful detention, which was critical due to the statute of limitations for such claims.<sup>6</sup> Manuel argued that the Fourth Amendment claim accrued when his criminal charges were dismissed, on May 4, 2011, as he made an analogy to the tort of malicious prosecution, which did not accrue until the matter reached a favorable termination. The City, of course, argued it accrued on March 18, when he was arrested, which would have placed it outside the two-year window from when Manuel filed the case, making the analogy to a false arrest claim. The Court concluded, however, it did not need to address that claim, and instead, that it was better to remand the matter back to the Seventh Circuit for review, which never reached the issue, having ruled against Manuel on the Fourth Amendment premise.

The Court reversed the Seventh Circuit’s ruling and remanded the case for further proceedings.

FULL TEXT OF DECISION: [https://www.supremecourt.gov/opinions/16pdf/14-9496\\_8njq.pdf](https://www.supremecourt.gov/opinions/16pdf/14-9496_8njq.pdf)

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<sup>6</sup> In Illinois, the statute of limitations is two years. In Kentucky, however, it will be one year. The statute of limitations in such cases follows the state’s statute of limitation for a personal injury case.